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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,486	02/12/2001	Monisha Ghosh	US 010027	9502

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER

WONG, ALLEN C

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/781,486

Applicant(s)

GHOSH, MONISHA

Examiner

Allen Wong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9, 10, 17, 18, 23 and 24 is/are rejected.
- 7) ☒ Claim(s) 5-8, 11-16, 19-22 and 25-29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/30/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 9 is objected to because of the following informalities: on claim 9, line 9, the term "decoder" should be changed to "encoder". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-4, 17-18 and 23-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Jun (6,810,084).

Regarding claim 1, Jun discloses a system for sending low rate data on a packet basis in an 8-VSB standard data packet stream, said system comprising:

an 8-VSB signal transmitter capable of transmitting a low rate data packet that comprises data bytes that contain both information bearing bits and non-information bearing bits (see abstract, note "8 VSB transmitter" is used for transmitting; also fig.5 is an 8-VSB transmitter where there is a null packet detector 120 that detects the non-information bearing bits and then sends the data to the Reed Solomon encoder 130 for preparation of transmission of data bytes that contain information bearing bits and non-information bearing bits).

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Regarding claims, 2-4, 17-18 and 24, Jun discloses a method for sending low rate data on a packet basis in an 8-VSB standard data packet stream, said method comprising the steps of:

placing data in a low rate data packet that comprises data bytes that contain both information bearing bits and non-information bearing bits (fig.5, there is a null packet detector 120 that detects the non-information bearing bits and then sends the data to the Reed Solomon encoder 130 for proper encoding of transmission of data bytes that contain information bearing bits and non-information bearing bits, and fig.8, note element 135 describes the process of interleaving data);

determining the values of said non-information bearing bits in said low rate data packet so that said non-information bearing bits will be correctly encoded (fig.5, there is a null packet detector 120 that determines the non-information bearing bits and then sends the data to the Reed Solomon encoder 130 for proper encoding of transmission of data bytes that contain information bearing bits and non-information bearing bits); and

transmitting said low rate data packet with an 8-VSB signal transmitter (see abstract, note "8 VSB transmitter" is used for transmitting; also fig.5 is an 8-VSB transmitter).

Regarding claim 23, Jun discloses a high definition television system comprising a system for sending low rate data on a packet basis in an 8-VSB standard data packet stream, said system comprising:

an 8-VSB signal transmitter capable of transmitting a low rate data packet that comprises data bytes that contain both information bearing bits and non-information bearing bits (see abstract, note "8 VSB transmitter" is used for transmitting; also fig.5 is an 8-VSB transmitter where there is a null packet detector 120 that detects the non-information bearing bits and then sends the data to the Reed Solomon encoder 130 for proper encoding of transmission of data bytes that contain information bearing bits and non-information bearing bits).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jun (6,810,084) in view of Betts (4,677,625).

Regarding claims 9-10, Jun discloses a system for sending half rate data on a packet basis in an 8-VSB standard data packet stream in an 8-VSB signal transmitter of the type comprising a Reed Solomon encoder (fig.5, element 130), a data interleaver (fig.5, element 135), and a trellis encoder (fig.5, element 140), and the data packets are processed by exclusive OR operations (col.5, ln.28-32).

Although Jun does not specifically disclose a first data packet switch before said Reed Solomon encoder capable of determining whether a data packet is a full rate data

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packet or a half rate data packet, said first data packet switch capable of sending a full rate data to said Reed Solomon decoder and capable of sending a half rate data packet to said data interleaver; and a second data packet switch after said trellis encoder capable of determining whether a data packet is a full rate data packet or a half rate data packet, said second data packet switch capable of sending a full rate data packet to a multiplexer and capable of sending a half rate data packet to an exclusive OR unit. However, Betts teaches the use of two data switches (fig.1, elements 16 and 42, note switch 42 is located after the trellis encoder, and switch 16 can be located after the data randomizer 10, and col.2, ln.37-43 discloses the utilization of exclusive OR operations for permitting the transmission of data to an exclusive OR unit). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Jun and Betts, as a whole, for implementing the data switches so as to guide the full rate or low rate data packets to their proper destination for receiving and viewing television programs and other programming in an efficient, precise manner.

***Allowable Subject Matter***

4. Claims 5-8, 11-16, 19-22 and 25-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Jun discloses MPEG data frame and transmit and receive system. Betts discloses a distributed trellis encoder. Neither Jun nor Betts, taken alone or in combination, specifically disclose the limitation, "the system for sending low rate data

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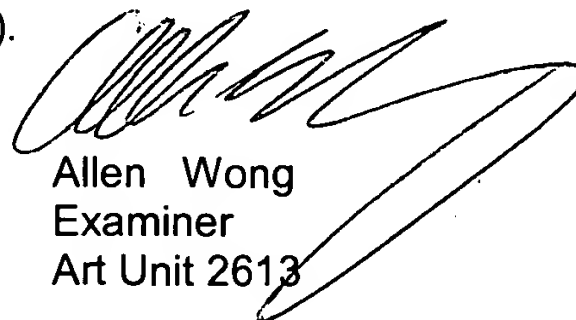
on a packet basis in an 8-VSB standard data packet stream as claimed in claim 3 wherein said low rate data packet comprises eight (8) bit data bytes in which bit 6, bit 4, bit 2, and bit 0 in each data byte contain information and in which bit 7, bit 5, bit 3, and bit 1 in each data byte do not contain information", as disclosed in dependent claim 5. Dependent claims 11, 19 and 25 are patentable for similar reasons as claim 5.

**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen Wong whose telephone number is (571) 272-7341. The examiner can normally be reached on Mondays to Thursdays from 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Allen Wong  
Examiner  
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